SUPREME COURT MINUTES TUESDAY, MARCH 27, 2001 SAN FRANCISCO, CALIFORNIA

S096167 In re Kevin G. Little

on

Habeas Corpus

Application for stay and petition for writ of habeas corpus DENIED.

S034473 People, Respondent

v.

Christian Antonio Monterroso, Appellant

The application of appellant for leave to file the appellant's opening brief in excess of the page limit is granted.

S037006 People, Respondent

v.

Michael James Huggins, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including June 1, 2001.

S040703 People, Respondent

v.

James Robinson, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including May 18, 2001.

S049389 People, Respondent

v.

Thomas Howard Lenart, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including May 29, 2001.

S052808 People, Respondent

v.

Richard Gamache, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including June 1, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time are contemplated.

S063274 In re Ralph International Thomas

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's traverse to the return to the order to show cause is extended to and including April 30, 2001.

No further extensions of time are contemplated.

S069023 In re George Marshall

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's return to the order to show cause is extended to and including May 29, 2001.

S091289 In re Maxamiliano Rios

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including April 23, 2001.

S086738 Theresa Aguilar et al., Plaintiffs and Appellants

v.

Atlantic Richfield Corporation et al., Defendants and Appellants The request of counsel for defendants in the above-referenced cause to allow two counsel to argue on behalf of defendants and appellants at oral argument is hereby granted.

Theresa Aguilar et al., Plaintiffs and Appellants S086738

Atlantic Richfield Corporation et al., Defendants and Appellants The request of defendants and appellants to allocate to counsel for Atlantic Richfield, Arco, Chevron, Shell, Texaco, Exxon and Mobil 20 minutes, and to allocate to counsel for Ultramar 10 minutes of defendants and appellants' 30-minute allotted time for oral argument is granted.

S048763 People, Respondent

Sergio Dujuan Nelson, Appellant

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Sergio Dujuan Nelson for the direct appeal in the above automatic appeal now pending in this court.

S096240 Phillip John Shepherd, Petitioner

Solano County Superior Court, Respondent

People, Real Party in Interest

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, Division Five, for consideration in light of Hagan v. Superior Court (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

Padres Hacia Una Vida Mejor et al., Plaintiffs and Respondents A091933 v.

Gray Davis et al., Defendants

Safety-Kleen, Inc., Intervenor and Appellant

The above entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred to the Court of Appeal, Fifth Appellate District.

1st Dist. Padres Hacia Una Vida Mejor et al., Plaintiffs and Respondents A092219 v.

Gray Davis et al., Defendants

County of Kern et al., Intervenors and Appellants

The above entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred to the Court of Appeal, Fifth Appellate District.

1st Dist.

Bar Misc. 4186 In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S094551 In re **Michael Jeffery Oliver** on Discipline

It is ordered that Michael Jefferv Oliver, State Bar No. 42102, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed on November 6, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S094553 In re **Guy Manning** on Discipline

It is ordered that **Guy Manning**, **State Bar No. 139071**, be suspended from the practice of law for two years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 27, 2000, as

modified by its order filed on October 30, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on June 11, 1999 (In re Young (1989) 49 Cal.3d 257, 270). Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004.

S094555 In re **Elsie Joan White** on Discipline

It is hereby ordered that **Elsie Joan White**, **State Bar No. 110163**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Costs are awarded to the State Bar.

S094559 In re **Gustavo A. Zarate** on Discipline

It is ordered that Gustavo A. Zarate, State Bar No. 199478, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 15 months. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 26, 2000, as modified by its order filed December 4, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on October 11, 1999 (*In re Young* (1989) 49 Cal.3d 257, 270). Respondent is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 2002 and 2003. (Bus. & Prof. Code section 6086.10.) *See Business and Professions Code section 6126, subdivision (c).

S094561 In re **Michael Philip Richter** on Discipline

It is ordered that **Michael Philip Richter, State Bar No. 54408,** be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 13, 2000. Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S094564 In re **Glenn Alan Thompson** on Discipline

It is ordered that **Glenn Alan Thompson, State Bar No. 84311** be suspended from the practice of law for 30 days, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation executed October 6, 2000. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti* v. *State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S094640 In re **Laurie A. Stoffel** on Discipline

It is ordered that **Laurie A. Stoffel, State Bar No. 130897,** be suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order approving stipulation executed October 31, 2000. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to

comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2002 and 2003.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S094642 In re **James K. O'Brien** on Discipline

It is ordered that James K. O'Brien, State Bar No. 168485, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended for 90 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205, Rules of Procedure of the State Bar of California, as recommended by the Hearing Department of the State Bar Court in its decision filed October 19, 2000, as modified by its order filed November 30, 2000. Respondent is also ordered to comply with the other conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *See Business and Professions Code section 6126, subdivision (c).

S094643 In re **Barbara Sharpe** on Discipline

It is hereby ordered that **Barbara Sharpe**, **State Bar No. 177488**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to

comply with rule 955 of the California Rules of court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. and Prof. Code, § 6126, subd. (c).)

S096061 In the Matter of the Resignation of **James Patrick Cooper**A Member of the State Bar of California

The voluntary resignation of **James Patrick Cooper**, **State Bar No. 34577**, as a member of the State Bar of California is accepted.

S096059 In the Matter of the Resignation of **Robert Armondo Caietti**A Member of the State Bar of California

The voluntary resignation of **Robert Armondo Caietti, State Bar No. 59196,** as a member of the State Bar of California is accepted.

S096065 In the Matter of the Resignation of **John M. Filippi**A Member of the State Bar of California

The voluntary resignation of **John M. Filippi, State Bar No. 18778,** as a member of the State Bar of California is accepted.

S096067 In the Matter of the Resignation of **Howard Henry Hubbard** A Member of the State Bar of California

The voluntary resignation of **Howard Henry Hubbard**, **State Bar No. 52483**, as a member of the State Bar of California is accepted.

S096068 In the Matter of the Resignation of **John Willis Miner**A Member of the State Bar of California

The voluntary resignation of **John Willis Miner**, **State Bar No. 27553**, as a member of the State Bar of California is accepted.